



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

██████████
Docket No. 8802-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 27 August 2025. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations, and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies.

The Board carefully considered your request to remove your 16 June 2020 Administrative Remarks 6105 (Page 11) counseling entry and rebuttal statement. The Board considered your contentions that although the Military Police (MP) found probable cause to detain you, no nonjudicial punishment (NJP), court-martial, or formal command investigation ensued. You also contend that the Marine Corps Separation and Retirement Manual (MARCORSEPMAN) and "PA 6-20" require that administrative action for domestic abuse be taken only when allegations are substantiated by court martial conviction, NJP, or command-level finding based on preponderance of the evidence. You claim that none of these were satisfied. Instead, the Commanding General (CG) based his decision solely on a MP probable cause determination, which is explicitly insufficient under paragraph 1004(f). You further contend the CG did not follow required procedures and acted beyond the scope of his authority by issuing the counseling entry. Specifically, the CG's issuance of a counseling entry rather than mandatory separation processing constitutes a direct violation of the regulation, the counseling entry utilized language from paragraph 6105, which is only authorized for use when a service member is not being processed for administrative or judicial action, and the CG determined the incident was substantiated but failed to initiate mandatory processing and instead used an incorrect counseling template rendering the entry procedurally invalid.

The Board noted that pursuant to paragraph 6105 of the MARCORSEPMAN, you were issued a Page 11 entry counseling you regarding a domestic violence incident at your residence, by unlawfully and aggressively grabbing your wife by her arms with your hands. The Board also noted that you acknowledged the entry and provided a statement. The Board, however, upheld the previous Board's determination that the contested entry was written and issued according to the MARCORSEPMAN. Specifically, the entry provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, the consequences for failure to take corrective action, and it afforded you an opportunity to submit a rebuttal. The Board also determined that the CG acted within his discretionary authority when determining that your counseling entry was warranted.

The Board determined your contentions regarding the CG's authority to issue your counseling entry lacks merit. There is no requirement for NJP, court martial, or an investigation for a commander to issue a counseling entry. The Marine Corps Individual Records Administration Manual (IRAM) authorizes a commander to issue a counseling entry to document matters which form an essential and permanent part of a Marine's military history, which are not recorded elsewhere, and which will be useful to future commands. The IRAM requires adverse entries to include a statement that the Marine was provided with the opportunity to make a rebuttal statement. This requirement was met, you provided a statement, and your statement is documented in your official record. The Board also determined that a counseling entry is an administrative action that is issued at the commander's discretion. In this case, the Board determined that the CG properly exercised his discretionary authority and relied upon sufficient evidence that included the Provost Marshal's Report, the MPs finding that there was probable cause that you assaulted your spouse, and your spouse's 28 May 2020 statement to the CG, stating, "I am the victim of an assault committed by my spouse . . . I participated in an interview with military police . . . wherein I detailed the events of the assault."

The Board also determined your argument that the entry is in error because the CG did not process you for mandatory separation also lacks merit. As the separation authority, the General Court Martial Convening Authority has the authority to determine whether a Marine has potential for rehabilitation and further useful military service. The CG's decision not to process you for separation is not dispositive of whether the misconduct was properly documented in the counseling entry. The Board relies on a presumption of regularity to support the official actions of public officers, in the absence of substantial evidence to the contrary, the Board will presume that they have properly discharged their official duties. The Board found your new evidence and arguments insufficient to overcome this presumption. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in

mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

9/18/2025

